



**HISTORIC LANDMARKS COMMISSION
HEARING SYNOPSIS**

WEDNESDAY, FEBRUARY 5, 2003

**Evening Session
6:00 P.M.
City Hall, Room 204**

**801 North First Street
San Jose, CA**

COMMISSION MEMBERS

**GLORIA SCIARA, CHAIR
STEPHEN POLCYN, VICE CHAIR**

**AVELINO LEGASPI
MICHAEL YOUMANS**

**SANDRA PAIM
JUSTINE LEONG**

EDWARD JANKE

**STEPHEN M. HAASE, AICP, DIRECTOR
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting.

NOTICE TO THE PUBLIC

Good evening, my name is **Gloria Sciara**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the **February 5, 2003** meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

When addressing the Commission, please approach the Commission, identify yourself and state your address for our records. After you have finished speaking, please write your name and address on the speaker's list at the end of the table.

The procedure for public hearings is as follows:

- After the staff report, applicants may make a five-minute presentation.
- Anyone wishing to speak in favor of the proposal should prepare to come forward. Each speaker will have two minutes.
- After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. Each speaker will have two minutes.
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing. The Historic Landmarks Commission will take action on the item.

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral will be limited to one minute.
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Historic Landmarks Commission will comment on the referral item.

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the end of the table for your convenience.

AGENDA

ORDER OF BUSINESS

6:00 PM SESSION

1. ROLL CALL

ALL PRESENT, EXCEPT SCIARA, JANKE ARRIVED DURING ITEM 6.a.

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

The matter of deferrals is now closed.

The following items are considered individually.

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

3. CONSENT CALENDAR

a. APPROVAL OF THE JANUARY 8, 2003 SYNOPSIS

APPROVED (5-0-2) SCIARA, JANKE ABSENT

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **HP03-001. HISTORIC PRESERVATION PERMIT** for a project located at 869 South First Street on a 0.23-gross-acre site in the LI Light Industrial Zoning District for exterior alterations to The 5 Spot Drive-In Restaurant (City Landmark #HL02-121). (David G. Silva, Owner and Developer). Council District 3. CEQA: Exempt.

DEFERRED TO 3/5/03

5. PETITIONS AND COMMUNICATIONS

This portion of the agenda is reserved for persons desiring to address the Commission on any matter not on the agenda. Speakers are limited to 2 minutes. The law does not permit Commission action or extended discussion on any item not on the agenda except under special circumstances. If Commission action is requested, the matter can be placed on the next agenda. All statements that require a response will be referred to staff for reply in writing.

- a. **HOPE ST. IMPROVEMENTS—Defer to 3/5/03**
- b. **ARCHAEOLOGY REPORT—Defer to 3/5/03**
- c. **NEW PETITION FROM PAC SJ REQUESTING:**
 - 1) **REPORT ON THE STATUS OF THE FOX THEATRE AND**
 - 2) **REPORT ON WHETHER THE CURRENT WORK ON THE STUDIO THEATRE CONFORMS TO THE PERMIT CONDITIONS.**
- d. **NEW COMMUNICATION FROM JUDI HENDERSON, EMERITUS. STATING THAT EMERITUS COMMISSIONERS WILL NO LONGER DELIBERATE AT THE TABLE WITH THE COMMISSION AS PER DIRECTION FROM THE CITY ATTORNEY'S OFFICE. MS. HENDERSON FURTHER STATED THAT SHE DID NOT BELIEVE THAT IT WAS WITHIN THE ATTORNEY'S PURVIEW TO DECIDE WHETHER EMERITUS COMMISSIONERS, APPOINTED BY PREVIOUS COMMISSIONS, MAY SIT AT THE TABLE.**

THE COMMISSION RESPONDED THAT THEY APPRECIATE THE KNOWLEDGE AND INPUT OF THE EMERITUS COMMISSIONERS.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

- a. **HL03-147. HISTORIC LANDMARK NOMINATION** for the Rank House located on the south side of Pierce Avenue, approximately 650 feet westerly of South Market Street, (128 Pierce Avenue), on a 0.18-gross-acre site (Steven and Margaret Carlson, Owner/Developer). Council District 3. CEQA: Exempt.

STAFF RECOMMENDATION: PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO INITIATE PROCEEDINGS TO DESIGNATE THE RANK HOUSE AS AN HISTORIC LANDMARK.

STAFF RECOMMENDATION ADOPTED (5-0-1-1, SCIARA ABSENT, JANKE ABSTAINED)

- b. **TR01-067. TREE REMOVAL PERMIT** to remove one (1) Valley Oak tree 53.9 inches in circumference, on a 0.20-gross-acre site, located at 750 Reilly Court (Luis and Doris Pacchioni, Owner/Developer). Council District 10. CEQA: Exempt.

STAFF RECOMMENDATION: PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION FORWARD A RECOMMENDATION TO THE DIRECTOR OF PLANNING TO APPROVE THE SUBJECT TREE REMOVAL PERMIT WITH STANDARD SPECIAL CONDITIONS AS FOLLOW:

- 1. DONATION TO OUR CITY FOREST. THE APPLICANT SHALL BE REQUIRED TO DONATE TO OUR CITY FOREST THREE 15-GALLON TREES.**
- 2. THE APPLICANT SHALL BE REQUIRED TO PROVIDE 35MM BLACK AND WHITE PHOTO DOCUMENTATION OF THE HERITAGE TREE TO THE CITY ARBORIST'S OFFICE.**

STAFF RECOMMENDATION ADOPTED WITH THE CONDITION THAT THE APPLICANT SHALL BE REQUIRED TO DONATE TO OUR CITY FOREST FIVE 15-GALLON TREES BECAUSE OF THE OWNER'S BACKFILL MEASURES. (6-0-1) SCIARA ABSENT.

- c. **DISCUSSION AND ACTION REGARDING THE INCLUSION OF THE HOME AT 40 S. 7TH STREET IN THE HISTORIC RESOURCES INVENTORY**

STAFF RECOMMENDATION: PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION ADD THE HISTORIC HOME AT 40 S. 7TH STREET TO THE SAN JOSE HISTORIC RESOURCES INVENTORY.

JAMES BROOKS, THE OWNER'S REPRESENTATIVE SPOKE AGAINST THE RECOMMENDATION. PAC SJ SPOKE IN FAVOR OF THE RECOMMENDATION, STATING THAT PAC SJ AND THE UNIVERSITY NEIGHBORHOODS COALITION WERE INTERESTED IN WORKING WITH THE OWNER TO PRESERVE THE BUILDING.

COMMISSIONERS STATED THAT THE BUILDING WAS SIGNIFICANT FOR ITS AGE, CONTRIBUTION TO THE BLOCK, AND AS AN EXAMPLE OF EARLY SAN JOSE.

STAFF RECOMMENDATION ADOPTED (6-0-1), SCAIRA ABSENT

- d. **SP02-038. SPECIAL USE PERMIT TO DEMOLISH AN EXISTING SINGLE-FAMILY RESIDENCE, ON A 0.10-GROSS-ACRE SITE, LOCATED ON THE EAST SIDE OF SOUTH SEVENTH STREET, APPROXIMATELY 250 FEET SOUTHERLY OF EAST SANTA CLARA STREET (ROBERT AND CONSTANCE HEPLER, OWNER; JAMES BROOKS, APPLICANT). COUNCIL DISTRICT 3. CEQA: EXEMPT.**

PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION RECOMMEND THE FOLLOWING TO THE DIRECTOR OF PLANNING:

- 1. STAFF RECOMMENDS THE APPLICANT OBTAIN A SECOND OPINION REGARDING THE FEASIBILITY AND GENERAL COST ESTIMATES OF REHABILITATION OF THE HOME. THIS SECOND EVALUATION SHALL BE CONDUCTED BY AN ARCHITECT MEETING THE QUALIFICATIONS AS OUTLINED IN THE NATIONAL PARK SERVICE PROFESSIONAL STANDARDS (36 CFR PART 61). THE CONSULTANT SHALL USE THE STATE HISTORIC BUILDING CODE IN THE REHABILITATION FEASIBILITY EVALUATION.**
- 2. THE RESULTS OF THE SECOND EVALUATION BE REPORTED TO THE HISTORIC LANDMARKS COMMISSION AT A SUBSEQUENT MEETING.**
- 3. AT THIS TIME THE APPLICATION DOES NOT APPEAR TO MEET THE CRITERIA FOR DEMOLITION AS OUTLINED IN THE ZONING CODE (20.80.460)**

STAFF RECOMMENDATION ADOPTED (6-0-1), SCIARA ABSENT.

7. GOOD AND WELFARE

a. Report from Redevelopment Agency

- Discussion regarding funding for training and/or conferences for Historic Landmarks Commissioners

FUNDS ARE CURRENTLY FROZEN

- Discussion regarding Jose Theatre Salvage

DEFERRED TO 3/5/03

- Update and discussion regarding SoFA Strategic Development Plan

COUNCIL ACCEPTED PLAN AT 1/21/03 MEETING, RECOGNIZED COMMITTEE MEMBERS INCLUDING STEPHEN POLCYN, AND RECOGNIZED CERTAIN PRIORITIES EVEN IN LIGHT OF CURRENT BUDGET CRISIS.

b. Report from the Secretary

- Environmental Review Documents

- (1) Notice of Preparation (NOP) of an EIR for the Brandenburg Mixed Use Project

NOTICE OF PREPARATION (NOP) WAS MAILED TO COMMISSIONERS. SCOPING MEETING IS SCHEDULED FOR TUESDAY, FEBRUARY 11, 2003 AT 5:30P.M. IN RM. 106 OF CITY HALL.

- (2) 4th/5th Street Garage and Reuse Feasibility Study of the Fox Building

- 1) **NOP TO BE MAILED OUT TO COMMISSIONERS IN LATE FEBRUARY**
- 2) **PUBLIC WORKS TO JOIN HLC FOR MARCH 5TH MEETING TO DISCUSS PROJECT**
- 3) **SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (SEIR) TO BE CIRCULATED IN MID-APRIL**

- (3) San Jose Water Land Company Draft EIR

DRAFT EIR EXPECTED TO BE CIRCULATED IN MARCH

- (4) Community meeting on the proposed Lowes Home Improvement Store at the northeasterly corner of Cottle and Poughkeepsie Roads

**COMMUNITY MEETING IS SCHEDULED FOR
FEBRUARY 19, 2003 FROM 7:30P.M. – 9:00P.M. AT THE
SOUTHSIDE COMMUNITY CENTER, 5585 COTTLE
ROAD IN EDENVALE ROOM. INFORMATION ON THE
BUILDING WAS INCLUDED IN THE AUGUST, 2002 HLC
PACKET**

- Hensley Historic District Design Guidelines

**FINAL DRAFT WAS HANDED OUT TONIGHT. DISCUSSION
WILL BE AGENDIZED FOR MARCH HLC MEETING**

- Water Tower at Diridon Station

**JOE HORWEDEL SENT A LETTER TO THE VALLEY
TRANSPORTATION ASSOCIATION (VTA) STATING THE CITY
DOES NOT SUPPORT THE DEMOLITION OF THE WATER
TOWER BUT DOES SUPPORT STORAGE AND
REINSTALLMENT**

- California Preservation Foundation –Annual Preservation Conference

**WILL BE HELD APRIL 24TH THROUGH THE 27TH IN SANTA
BARBARA**

- Palm Trees associated with PDC02-083 PLANNED DEVELOPMENT
REZONING.

**NO CONFIRMED ASSOCIATION WITH AN HISTORIC SITE.
FINDINGS FOR REMOVAL WILL BE REQUIRED AT THE
DEVELOPMENT PERMIT STAGE BY RDA EXECUTIVE
DIRECTOR**

- Form 700 Statement of Economic Interests

APRIL 1ST DEADLINE BY CITY CLERK

c. **Report from the Subcommittees**

- Design Review

**NEXT MEETING FEBRUARY 19, 2003 PLANNING
DEPARTMENT**

- Standard permit language for Historical Archeology

DEFERRED

- St. James Park

**RFP FOR THE FIRST CHURCH SITE IS CURRENTLY ON
HOLD. RFP SENIOR CENTER HAS BEEN SENT OUT.**

- *Ad Hoc* Survey Committee

AGENDIZED FOR MARCH HLC MEETING

8. **ADJOURNMENT**

ADJOURNED (6-0-1), SCIARA ABSENT

9. **MEETING RE-OPENED AS A SPECIAL MEETING CALLED BY THE ACTING
CHAIR FOR REVIEW AND COMMENT OF ADDITIONAL LETTERS
RECEIVED BY THE SAN JOSE RDA REGARDING THE DOWNTOWN SAN
JOSE HISTORIC DISTRICT DESIGN GUIDELINES (DDG). NOTICE OF THIS
ITEM WAS POSTED AND PUBLISHED.**

**LESLIE LITTLE AND DOLORES MELLON OF THE RDA EXPLAINED
THAT THE RDA HAD MET WITH THE CONCERNED PARTIES. A
SUGGESTION WAS MADE AT THAT MEETING TO CREATE ONE
BODY TO OVERSEE THE DEVELOPMENT REVIEW PROCESS
DOWNTOWN AND INCORPORATE STREETScape IMPROVEMENT
AND ARTWORK. RDA IS INTERESTED IN THAT IDEA, AND IS
LOOKING INTO IT.**

THE LETTERS WERE REVIEWED FOR MAJOR COMMENTS.

**JUDI HENDERSON COMMENTED THAT THE DRAFT DDG WERE
NOT THE VERSION OF "REHAB RIGHT" THAT THE HLC HAD
ORIGINALLY ENVISIONED. THE HENSLEY GUIDELINES WERE AN
EXCELLENT EXAMPLE OF WHAT THE COMMISSION REQUESTED.
SHE FURTHER COMMENTED THAT SHE WAS VERY DISAPPOINTED**

IN THE CURRENT DDG, THAT THE DELETION OF A REFERENCE TO THE NATIONAL REGISTER DISTRICT WAS UNACCEPTABLE, AND THAT PRIOR TO THIS EDITION OF THE DDG THERE WERE PREVIOUS GUIDELINES DEVELOPED BY A DIFFERENT CONSULTANT.

MICHELLE MUSSON SPOKE TO REQUEST THAT PHOTOGRAPHS OF SPECIFIC CODE VIOLATION PROPERTIES NOT BE INCLUDED IN THE [HENSLEY HISTORIC DISTRICT] DESIGN GUIDELINES.

MEMBERS OF THE COMMISSION COMMENTED THAT THE GUIDELINES WORKED WELL FOR THE LAY PERSON AND THE PROFESSIONAL, WHILE OTHERS INQUIRED ABOUT REVIEWING THE PREVIOUS GUIDELINES.

THE RDA COMMITTED TO LOOK FOR A COPY OF THE PREVIOUS GUIDELINES.

FURTHER DISCUSSION OF THE COMMENT LETTERS AND THE DDG WILL BE AGENDIZED FOR THE MARCH HLC MEETING.

10. ADJOURNMENT
ADJOURNED (6-0-1), SCIARA ABSENT

Cc: J. Davidson
T. Estrada
A. Danielsen
M. Enderby

2003 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
March 5, 2003	6:00 p.m.	Regular Meeting	Room 204
April 2, 2003	6:00 p.m.	Regular Meeting	Room 204
May 7, 2003	6:00 p.m.	Regular Meeting	Room 204
June 4, 2003	6:00 p.m.	Regular Meeting	Room 204
July 9, 2003	6:00 p.m.	Regular Meeting	Room 204
August 6, 2003	6:00 p.m.	Regular Meeting	Room 204
September 3, 2003	6:00 p.m.	Regular Meeting	Room 204
October 1, 2003	6:00 p.m.	Regular Meeting	Room 204
November 5, 2003	6:00 p.m.	Regular Meeting	Room 204
December 3, 2003	6:00 p.m.	Regular Meeting	Room 204

HISTORIC LANDMARKS AGENDA ON THE WEB:

<http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/hearings2003.htm>